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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,177	03/24/2004	Kazuto Ariga	03560.003446	4196
5514 7590 12/13/2007 FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			EXAMINER SELBY, GEVELL V	
			ART UNIT 2622	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/807,177	<b>Applicant(s)</b> ARIGA, KAZUTO	
	<b>Examiner</b> Gevell Selby	<b>Art Unit</b> 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 8-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 8-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed 9/4/07 have been fully considered but they are not persuasive. The applicant submits the prior art does not disclose the following limitations of the claimed invention:

wherein said chassis comprises first bent portions positioned at opposing ends of said chassis, a plurality of fixing members formed on the first bent portions in order to fix said chassis to said exterior member, and a second bent portion formed between the first bent portions, as stated in claim 8. The Examiner respectfully disagrees.

Re claim 11) The Fuchimukai reference discloses a chassis or mount frame 4 with first bent portions in the substrate 5 and 6 at the top of the chassis and base plates 18 and 32a and circuit board 19 at the bottom end of the chassis; and it is inherent the card guides (10 a&b and 15 a&b) are secured to the body of the camera, in order for the cards and chassis no the move around in the camera and the tripod hole (32) secures the chassis to the bottom of the body; and a second bent portion formed between the first bent portions (see figure 2, element 13).

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this

subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**3. Claims 8-11 are rejected under 35 U.S.C. 102(e) as being anticipated by**

**Fuchimukai, US 7,116,363.**

In regard to claim 8, Fuchimukai, US 7,116,363, discloses the image pickup apparatus comprising:

a chassis (see figure 2, element 4); and

an exterior member (see figure 2, element 2),

wherein said chassis comprises first bent portions positioned at opposing ends of said chassis (see figure 2, elements 4, 5, and 6 on the top end of the chassis and elements 19, 18, and 32a on the bottom end),

a plurality of fixing members (see figure 1, element 10 a and b and 15 a and b and figure 2, elements 32 and 32a) and formed on the first bent portions in order to fix said chassis to said exterior member (see column 4, lines 4-32 and column 5, lines 52-56: it is inherent the card guides are secured to the body of the camera, in order for the cards and chassis no the move around in the camera and the tripod hole secures the chassis to the bottom of the body), and

a second bent portion formed between the first bent portions (see figure 2, element 13); and

it is inherent the digital camera 1 of the Fuchimukai reference comprises an image pickup device for converting an object image into an electrical signal, in order to capture image and convert them to digital images and save them on the memory card.

In regard to claim 9, Fuchimukai, US 7,116,363, discloses the image pickup apparatus according to Claim 8, further comprising a recording-medium accommodating unit (see figure 2, element 11), wherein said recording-medium accommodating unit is located in a space formed between one of the first bent portions and the second bent portion (see figure 2, element A and column 3, lines 54-60).

In regard to claim 10, Fuchimukai, US 7,116,363, discloses the image pickup apparatus according to Claim 9, wherein said recording-medium accommodating unit is covered by a covered portion (see figure 1, element 36) which is located between one of the first bent portions and the second bent portion of said chassis and is facing said exterior member (see column 6, lines 8-11).

In regard to claim 11, Fuchimukai, US 7,116,363, discloses the image pickup apparatus according to Claim 9, further comprising a battery accommodating unit (see figure 2, element 14 and column 4, lines 6-9), wherein said recording-medium accommodating unit is fixed to said battery accommodating unit (see figure 2).

### *Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gevell Selby whose telephone number is 571-272-7369. The examiner can normally be reached on 8:00 A.M. - 5:30 PM (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lin Ye can be reached on 571-272-7372. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

gvs

  
TUAN HO  
PRIMARY EXAMINER